

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSE JIMENEZ,

Defendant.

8:15CR320

ORDER

This matter is before the court on defendant's motion to withdraw his petition pursuant to [28 U.S.C. § 2255](#). [Filing No. 96](#) and [Filing No. 100](#). Defendant filed his § 2255 motion on or about June 7th, 2017. The Indictment charged defendant in Count II with possession with intent to distribute methamphetamine in violation of [21 U.S.C. §§ 841 \(a\)\(1\) and \(b\)\(1\)](#) and in Count III with possession or use of a firearm in violation of [18 U.S.C. § 924\(c\)\(1\)\(A\)](#). Defendant plead guilty to both counts. Filing No. 54 and Filing No. 81. The Court sentenced defendant for a term of 120 months on Count II and 60 months on Count III to run consecutive. [Filing No. 82](#). On August 28, 2017, defendant stated in this motion: "After further review, defendant finds that there are no non-frivolous grounds to support said petition and would ask the Court to withdraw same." [Filing No. 100](#).

The Court has carefully reviewed the motion and finds it should be granted.

THEREFORE, IT IS ORDERED THAT defendant's motion to withdraw his [28 U.S.C. § 2255](#) petition, [Filing No. 100](#), is granted.

Dated this 17th day of January, 2018.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge